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OFFICE OF PETITIONS

In re Application of
Stephen E. Henderson, et al.
Application No. 10/735,431
Filed: December 11, 2003
Atty Docket No. T-6260

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DECISION GRANTING PETITION

This is a decision on the petition filed April 16, 2004, requesting that the above-identified application be accorded a filing date of December 11, 2003, instead of the presently accorded date of December 12, 2003.

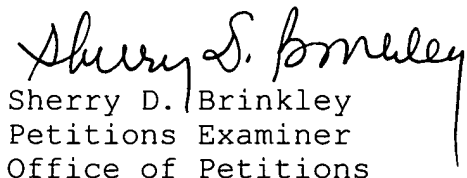
Petitioners allege that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on December 11, 2003. In support, petitioners provide, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EV 292286965 US, showing a "Date-In" of "12 11 03". The same Express Mail receipt number was referred to in the original application transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the USPS on December 11, 2003.

The petition is granted.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **December 11 2003**.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions